

**ENVIRONMENTAL ADVISORY COUNCIL**  
**Lansing, Michigan**  
**Thursday, March 20, 2008, 1:00 – 4:00 p.m.**

Members in attendance: Jon Allan, Sandra Batie, Steve Chester, Tim Faas, David Gard, Chuck Hersey, Larry Merritt, Brian Jonckheere, Vincent Nathan, Richard Rediske, David Rinard, Mike Shriberg, Donna Stine, Brian Beauchamp for Lisa Wozniak, Paul Zugger.

DEQ Staff in attendance: Linda Albro Sparks, Paul Bucksholtz, Kim Fish, Martin Jannereth, Jim Kasprzak, JoAnn Merrick, Jim Milne, Frank Ruswick, Kathy Tetzlaff, Jim Sygo.

Guest: Chris Klaver from Gongwer

**OPENING**

Frank Ruswick welcomed members and guests to the Environmental Advisory Council (EAC) meeting. The plan is to finish up the Land and Water Management Division (LWMD) recommendations today.

Frank asked how many EAC members had heard from the citizen concerned with the Kennecott mine in the Upper Peninsula. Several EAC members described their conversations with this individual.

**CURRENT ISSUES**

Director Chester updated members that the House is considering the Department of Environmental Quality (DEQ) Fiscal Year (FY) 2008 Supplemental Budget that will provide \$11 million to the general fund for the DEQ. The DEQ is scheduled to begin FY2009 Appropriations Subcommittee hearings next week.

A member talked about the Midwest Greenhouse Gas Accord. The intent is to have an agreement on goals and targets in July 2008 with an interim report following in November 2008 that will further address the process. Vince Hellwig, Chief, DEQ Air Quality Division, will be Michigan's representative. Two EAC members are working on the Greenhouse Gas Accord. This is a complicated initiative and other states have their own initiatives going on. A member recommended that all members look at Congressman Dingell's series of white papers (1) general white paper; (2) competitiveness; (3) federal/state/local partnership on greenhouse gas emissions. These white papers can be found at [http://energycommerce.house.gov/Climate\\_Change/index.shtml](http://energycommerce.house.gov/Climate_Change/index.shtml)

**DISCUSSION OF POSSIBLE RECOMMENDATIONS ON LWMD PROGRAMS**

Frank Ruswick distributed a "draft report of the EAC concerning the LWMD" dated March 2008.

Members discussed the various findings and made the following suggestions below:

- A change was suggested to Finding 5 to indicate 112 positions can be funding compared to 135 positions in 2002.
- A suggestion was made to add a statement in Finding 2 about the Michigan 404 Program providing more protection than other states; and more than the minimal federal coverage. A suggestion was made to possibly moving this to Finding 11.
- A suggestion was made to strike the reference to specific agents in Finding 4. A suggestion was made to not overstate or designate the criticism, and to take out specifics. Kim Fish talked about DEQ lacking a constituency or constant advocate. A suggestion was made to eliminate the constituency concept.
- Suggestions and concerns regarding Finding 12:
  - The wording breeds a lack of confidence in the program.
  - Does an unsuccessful program become a self-fulfilling prophecy?
  - It is important to capture the concept “to avoid the erosion of credibility.”
  - Enhance middle bullet to these delays could equate to losing economic opportunities.
  - Strongly outline the consequences.
  - Who we are drafting this statement for? Frank Ruswick said that the EAC is making recommendations to Director Chester; however, there will be other readers of this document.
  - Strengthen the third bullet.
  - Director Chester would like a summary statement included in the recommendations.
- Regarding Finding 6 members asked if this finding is statutorily required. If these are things that have statutory permit deadlines, those should be made known. A suggestion was made to talk about additional workloads. New and emerging issues should be added.
- Regarding Finding 14, the efforts at efficiencies will not address the structural imbalance. This seems self-evident as we have seen sufficient information on this. The structural imbalance needs to be more clearly articulated. It is still unknown what can be accomplished with program improvements.
- Regarding Finding 16 a suggestion was made to add “regulatory” programs.

Members discussed the various recommendations and made the following suggestions below:

- Regarding Recommendation 1, Kim Fish indicated there are concerns about rolling out value stream mapping (VSM) recommendations; in particular, assigning some Lansing positions to field offices. She indicated that by implementing the VSM the LWMD was accepting the decentralization recommendation. The goal of the VSM committee was to look at implementing processing steps that would reduce duplication of handling files and reduce the number of correction returns sent to applicants. Kim Fish reminded members that the VSM process occurred 3.5 years ago when we had more staff; consequently the recommendation regarding decentralization and need for an additional 4.5 full-time positions would need to be adjusted accordingly. Kim Fish indicated that with additional staff shortages the LWMD is unsure about the ability to further implement VSM recommendations. Some members indicated a hesitation about being too specific on VSM because of such uncertainties. Kim Fish responded that we had an inability to fill vacancies, so the division rolled out minor projects and general permits to district offices. Members felt that the document needs to emphasize there are more opportunities for efficiency. Director Chester stated that while there are always opportunities to gain

operational efficiencies, they will not be sufficient to address the magnitude of the structural imbalance between the LWMD's resources and its responsibilities. Frank Ruswick added that a lack of resources itself is a barrier to some improvements. Members thought that more explanation should be given regarding the VSM and whether LWMD intends to fulfill them. Frank recommended making this a finding, not a recommendation. Members stated some improvements cannot be done without further investment and additional funding.

- Recommendations 3 and 6 were considered redundant. Frank Ruswick agreed to combine these Recommendations.

Frank Ruswick will provide a redraft of the Report based on today's discussions. Director Chester indicated that because of the need to make improvements before the upcoming field season, the LWMD will be taking actions to implement the EAC's recommendations soon. Kim Fish told members that since the last EAC meeting the LWMD has been working with staff to come up with a list of actions that could be taken in the short term to address the structural imbalance. Additional, longer term actions, are also being identified and could be discussed with stakeholders.

Kim Fish described ideas the short term actions under discussion:

- Issue all permits (except in the sand dune program) for the full five-year timeframe allowed by law. This will save a considerable amount of staff processing time for permit extension requests. In 2007 LWMD processed over 507 permit extension requests.
- Make decisions on applications for some types of minor projects without conducting a site visit.
- LWMD will start requiring fees for all pre-application meetings. LWMD is currently charging for the first meeting and follow up meetings are at no charge.
- LWMD would eliminate the opportunity to reopen an application without a fee once an application has been withdrawn. The LWMD has been allowing people to reactivate for up to 180 days after the application was withdrawn. LWMD is working with the Department of Attorney General on how to implement this idea.
- LWMD would prioritize actions on complaints about unauthorized projects and violations. LWMD's current compliance manual ranks violations by severity. LWMD will focus on those violations that have a greater impact on the environment, and lower impact violations will become lower priority.

Kim Fish explained that LWMD staff has uneasiness regarding these ideas because they will result in some resource loss. This is especially true of making decisions on some types of permit applications without conducting a site visit. The LWMD is utilizing web-based satellite imaging to alleviate the need for some site visits. LWMD district manager level staff will decide which sites actually need on-site visits.

Longer term ideas under consideration include:

- Coordinating the reviews of projects that are also under the jurisdiction of the United States Army Corps of Engineers. This will eliminate duplicate project reviews.
- Developing easy application guides that would be available on the LWMD Web site.
- Simplifying application forms.

- Identifying additional activities that could be issued under general permits or minor permits categories.
- Eliminating the marine operating program. This recommendation would require legislative action.
- Undertaking an internal examination of how the DEQ considers dredging proposals and testing/disposal of contaminated sediments.
- Reevaluating the LWMD's current storm water activities and the possibility of shifting these activities to the DEQ Water Bureau.

Members agreed that the actions LWMD has detailed are consistent with the EAC's recommendations and should be pursued. Kim Fish noted that the actions mostly impact field staff and their workload balance. Undertaking these actions will raise complaints among the regulated community and the public. It will be important that the DEQ support staff when these actions are taken. The DEQ will need to provide information and outreach so that our constituencies understand why it is necessary to take these actions. Members agreed that LWMD should be commended for developing these ideas in response to the EAC recommendations. Director Chester described that South Carolina is already using some of these same actions to improve the quality of permit applications submitted.

A member commented that since the LWMD will not be able to conduct all the activities it formerly did to protect natural resources, other organizations may be able to fill the gap to some extent.

Frank Ruswick will redraft the Report and send it for further comment. The EAC should plan to finalize the Report at the April meeting.

Summary submitted by Linda Albro Sparks.